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TARGETING FOREIGN LEADERSHIP: AN ARGUMENT WITH SUCCESS

Core Course Essay

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**I INTRODUCTION:** Over the last decade, in a variety of conflicts and operations other than war involving the use or threat of military force against third world countries, the United States has increasingly exhibited a tendency to hold individual foreign leaders personally accountable for the circumstances which have led their nations into conflict with either the United States or the international community or both. This tendency has led our National Command Authority (NCA) to approve plans for resolving crises which include measures which, in one way or another, target these leaders. While the American propensity to assign blame to certain individual leaders has excited little debate, our growing tendency to add a personal attack to our operational planning should. This is not to suggest that individual leaders are not sometimes personally responsible for international conflict, terrorism, human rights abuses and/or transnational criminal activity. Clearly, they are. The issue which this paper will examine, however, is has the United States been incrementally defining a new element in its philosophy concerning the use of force. If it has, what has contributed to the development of this element; what should and, so far, has governed its application; and, what are the implications, particularly the negative implications, which flow from the incorporation of this element into our diplomatic and national military strategies.

**II CASES, ISSUES, PRECEDENTS:** The U.S. attack on Libya in 1986, Just Cause, Desert Storm and UNISOM II all illustrate in different ways our recent penchant for making foreign leaders targets of military actions, not always the only targets or the primary targets, but targets nonetheless. Each of these actions, moreover, shows a

different facet of what analysis reveals as a growing predisposition to employ force against individuals. Even a cursory examination of these cases suggests some of the intellectual problems, the hazards and advantages of making individuals the focus of military actions. Furthermore, one must recognize that these operations have been carried out against a backdrop of traditional prohibitions, new geopolitical considerations and still evolving doctrine. It also worth noting that this approach to the resolution of conflict has historically been excoriated as a tactic of the weak or politically illegitimate. Consequently, it is important that the parameters within which the U.S. government has chosen to act be understood.

The 1986 attack on Libya raises the first set of concerns and they revolve primarily around the concept of assassination. At the time the attack appeared to be an isolated incident and the full significance of the decision to bomb Qaddafi's personal compound was obscured, at least in part, by the attack's implications in the Cold War context. Libya was seen as a Soviet client and an attack on Libya was viewed by some in the West as hazardous in part because of what it might generate by way of a Soviet response. The director of France's paper of record, *Le Monde*, for instance, commented at the the time : "The USSR is Libya's protector... if the conflict between Washington and Tripoli escalates, sooner or later the Soviet Union will be forced to act or lose face." <sup>1</sup> Other commentaries focused on the efficacy of a lightening attack such as was carried out to accomplish the policy objective it was intended to further, namely to persuade the Libyan leader and other state sponsors of terrorism to desist from further attacks on U.S. citizens. What did not attract much analysis in 1986 was the fact that the United States's attack on Qaddafi's compound looked ominously like an attempt to kill Qaddafi. Had such been the case, it would have violated one or both of

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<sup>1</sup> Andre Fountaine, "Likely Reprisals," *Le Monde* of April 16, 1986 as quoted in "Gaddafi and Terrorism," *World Press Review*, June 1986, p.21.

two traditional prohibitions against targeting of individuals. The first was known as the *Leider Code* and was first articulated in 1863 in *General Order 100: Instructions for the Government of Armies of the United States in the Field* which read: "The law of war does not allow proclaiming either an individual belonging to a hostile army, or a citizen, or a subject of the hostile government, an outlaw, who may be slain without trial by any captor... on the contrary, it abhors such horror." The second prohibition it would have violated was Executive Order 12333, issued in 1976 by President Gerald Ford, which said: "No person employed or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination."<sup>2</sup>

Notwithstanding that the United States denied that killing Qaddafi was the object, the fact that the attack struck the compound where Qaddafi was thought to be staying suggested a willingness to skirt perilously close to formerly prohibited behavior and, thus, profiled an interesting new answer to the question of how the U.S. intended to deal with recalcitrant third world troublemakers.

Appearances aside, American policy-makers insisted the attack on Libya was intended neither to kill Qaddafi nor remove him from power. Rather it was a show of force predicated on the understanding that Qaddafi was uniquely responsible for the policies of his government. Just Cause, the 1989 invasion of Panama, incorporated goals far more ambitious than those articulated for the attack on Libya. Eschewing encouragement toward behavior modification, Just Cause made the removal of the de facto chief of state one of the primary military goals of the operation.<sup>3</sup> Indeed, the United States sought not only Manuel Noriega's removal from power but also his apprehension for the purpose of processing him for crimes before a U.S. court. As the now famous news photo of Noriega being taken into custody by DEA agents made

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<sup>2</sup> For a full discussion of both of these prohibitions see Patricia Zengel's article "Assassination and the Law of Armed Conflict," *Military Law Review*, Fall 1991, pp.123-155. Both quotes are taken from her article.

<sup>3</sup> Lt.Col. William C. Bennett, "Just Cause and the Principles of War," *Military Review*, March 1991, pp.2-3.

clear, in Just Cause the United States asserted the competence of the U.S. court system to try a foreign leader as a common criminal when that leader stands accused of violations of U.S. law.

History is replete with examples of nations pursuing foreign criminals into other countries. Sometimes, as in the case of Israel's pursuit of Nazi fugitives, they have even pursued them covertly into third countries. In other instances, such as Pershing's 1916 cross border pursuit of Pancho Villa, the operations might be seen as precursors to the rules now governing hot pursuit. The Noriega case appears unique, however, in that we made the apprehension of a particular individual leader a military goal and brought charges not of war crimes or human rights abuses but ordinary criminal behavior against a de facto chief of state. Effectively, Just Cause fused elements of both military operations and law enforcement and posited the USG's willingness to use either or both sets of resources in protecting the American public's best interests.

The story of Desert Storm offers yet another insight into the new U.S. determination to solve or resolve crises by holding individual leaders responsible for the acts of the governments they lead. During the early phases of Desert Storm the U.S. conducted what was essentially classic counter C2 warfare against Iraq. The bombing raids carried out throughout the conflict were designed to take away Saddam Hussein's ability to control his forces. At the same time, President Bush and other administration spokesmen called on the people of Iraq to cast off their dictator, attempting thereby to portray the essence of the conflict as Hussein against the world. These tactics, both the bombing and the psyops, are contemplated in the CJCS MOP on Command and Control Warfare.<sup>4</sup> What was remarkable about the campaign was the degree to

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<sup>4</sup> CJCS MOP 30, Enclosure: Command and Control Warfare, pp.2-4, 9.

which the U.S. asserted the unitary character of Iraqi C2 and attacked not Iraqi leadership generally but Saddam personally, Saddam the man, not the Ba'ath Party or Saddam the leader of a clique.

During the conflict itself, the administration emphasized the care taken to minimize noncombatant casualties and, moreover, denied that it was the intention of coalition forces to kill Saddam. Subsequent statements by Bush administration officials, however, suggest that the USG's concern with Saddam went beyond C2 warfare tactics and confirm that the Bush administration considered Saddam himself to be at the crux of the crisis. Indeed, one prominent former official argues that it would be wrong-headed even now to minimize the centrality of Saddam to the on-going problems in the region. Writing in the current issue of *The National Interest*, former Undersecretary of Defense Paul Wolfowitz, asserts that: "...it would be a great mistake to 'depersonalize' our differences with Iraq, as President Clinton promised, or to think - as both administrations have shown signs of doing- that Saddam would stop being a problem if we would just stop talking about him." <sup>5</sup>

Inadvertently, perhaps, Wolfowitz identifies precisely the element which has crept into our approach to the use of force in the Third World since 1986. We have begun to personalize conflicts and, to the degree that this process goes beyond mere counter C2 warfare, this is new and dangerous. Moreover, I would suggest that we have reflected only inadequately on when or if it is wise or appropriate to personalize our military operations and what the consequences of doing so might be.

III: THE CASE FOR INDIVIDUAL ACCOUNTABILITY: The previous section describes what might be called a field within which recent U.S. military actions (rather than policy

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<sup>5</sup> Paul Wolfowitz, "Victory Came Too Easily," *The National Interest*, Spring 1994, p.92.

statements or military doctrine) suggest we are, at present, prepared to target individuals operationally. At one extreme the field is bounded by our continuing observance of the prohibitions against assassination. At the other extreme is full scale C2 warfare, the key elements of which have been articulated in the CJCS MOP. And, to one side, extending the range of permissible justifications for military action, is the assertion of a police function in cases where a leader is accused of criminal activity affecting the U.S. body politic.

Perhaps because the operations discussed above were all relatively successful, the distinctly "personalized" character of certain aspects of each operation havenot been discussed as a trend or as inferring a new U.S. military operational bias, the merits of which require scrutiny. After the recent UNISOM II debacle in Somalia, however, we should perhaps ask to what extent key figures in the national security community as, indeed, in the larger foreign affairs community, failed to question the thinking implicit in the decision to pursue Aideed precisely because the personalization of that propped operation mirrored the thinking of the successful operations outlined above. At a minimum, it seems fair to observe that the policymakers did not have clearly articulated guidelines against which to test the wisdom of the proposed plan. This is an important point. We have not developed a system or logic tree to explore the implications for targeting an individual. The case for bringing force to bear on individual leaders is difficult to make, both legally and practically. While Hays Parks, a legal advisor to the Department of Defense, can confidently assert that : "...terrorist leaders who carry out attacks on U.s. citizens on a systematic, regular basis should not be immune from overt acts of self-defense,"<sup>6</sup> there is little intellectual help and less confidence in the thinking about how to deter rogue leaders, ambitious and

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<sup>6</sup> Hays Parks, "Legal aspects of Terrorism: A Conference Report," *Terrorism*, Volume 12, Number 4, p.308.



aggressive regional autocrats or other figures in cases in which the centrality of a particular leader to the evolution of a problem with the United States might invite targeting decisions of the sort we employed against Qaddafi, Noriega and Saddam. On a purely practical level then, there is a need for a yardstick for determining when it is appropriate to hold individual leaders personally responsible and how to target them in ways that are both operationally effective and legally defensible.

In a recent *Foreign Affairs* article National Security Advisor Anthony Lake may have suggested where to begin. In his article, Lake discusses what he calls the "backlash states," by which he means the incorrigibles, those states which resist conforming to international standards and which are, for the most part, implacable enemies of the United States. Lake notes that for many of these backlash states certain conditions appear to hold true. The countries are ruled by a single individual or clique. They are ruled through coercion. They suppress human rights. They exhibit a pronounced antipathy toward popular participation. And, they show signs of a "seige mentality".<sup>7</sup>

These characteristics of the backlash states, it seems to me, also might serve as the starting point for a checklist for deciding if it would be appropriate to target foreign leadership involved in a conflict with the U.S. Especially in conflicts short of war, when defeat of enemy armed forces is not the issue, the justification for zeroing in on the leadership would be both practical and moral. On the one hand, by targeting leadership, the U.S. might have the greatest possibility of actually affecting a change in national behavior. In essence, we would be assigning to the leader or his clique the Clausewitzian value of a center of gravity. On the other hand, by targeting the leadership, the U.S. might avoid inflicting punishment on a populace which has no voice in policy-making and no mechanism for changing its leadership.

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<sup>7</sup> Anthony Lake, "Confronting the Backlash States," *Foreign Affairs*, Volume 72, Number 2, pp.45-46.

There are problems, however, with the sort of thinking outlined above and they are rooted in both intellectual and operational considerations. On the one hand, there is a danger that we will talk ourselves into believing that problems can be solved by removing individuals when the real issues are broader than that - whatever the character of the leaders with whom we are dealing. The U.S. is particularly vulnerable to this because, in the absence of the monolithic threat of communism, we tend to demonize the leaders of those countries with whom we have disputes. In the cases of Libya and Qaddafi, Panama and Noriega, and Iraq and Saddam, the U.S. leadership treated the countries and their leaders as synonymous and to a very large degree effectively minimized any consideration of the possibility that the roots of these conflicts might be deeper and more complicated than the actors involved. This is not healthy for sophisticated policy development. The critical point here is that this process of particularizing a conflict, of reducing it to the level of a clash between the U.S. and an evil dictator, sows the seeds of public disillusionment. If the removal of the individual leader does not immediately resolve the conflict, the American public may either lose faith in the government's understanding of the the conflict or, worse yet, feel deceived.

On the other hand, this tendency to demonize foreign opponents probably arises out of not only domestic political necessity but our distinctive national character as well. The U.S. public supports the use of force, at least on a visceral level, only when we feel morally outraged as a nation or are facing an unambiguous threat or an unmistakable evil. Our political culture resists denominating another whole people or culture as evil, but we can and do believe in evil <sup>individuals.</sup> ~~people~~. It follows from this that political support for military action against countries which cannot threaten our national survival is difficult to generate and sustain without a focus. Yet, threatened we

certainly are and have been! Clearly the demonization of foreign leaders, or more correctly, the delegitimization of foreign leaders, may serve as an inevitable substitute for the evil empire of the Cold War in explaining the new realities we must face in the post-cold war world and reconciling the ourselves to the need to employ force.

Further to this point, the American public as well as our political leadership recoil from the notion of inflicting damage either indiscriminately or on the innocent. There is, therefore, a natural inclination to try to make our targeting as "smart" as our new hardware. It may be that we are increasingly inclined to try to define our targets as tightly as possible. In extreme instances, this means means shrinking our perception of the enemy's center of gravity down to the individuals who control the system. The practical political as well as operational problems inherent in this approach are easily highlighted by any operational failure. If we make individual leaders --their capture or removal-- a policy goal, then we have effectively saddled our military forces with a task for which they are not, for the most part, ideally suited. Worse yet, if they then fail to "get their man" in whatever way the operation establishes as the goal, we risk disseminating the perception that our military forces are less capable than they appear to be. In many respects, the failure of the U.S. Army rangers to capture Aideed will be seen around the Third World as a military failure when surely it was a political one, a failure in our understanding of that situation. Aideed was pursued as if he were only a thug (as he doubtless is) and not also the legitimate leader of a clan with, apparently, more than a modicum of popular support. We pursued a renegade, but did battle with an enterprising and lethal military leader.

A further weakness to this approach is that it simplifies the task facing the target nation and offers the possibility of a cheap victory: to wit, successfully prevent removal or capture of the country's leader by U.S. forces and the country is perceived to have won

a great victory. Worse yet, a leader who is perceived to have frustrated a U.S. attempt to remove or intimidate him emerges from the conflict with his prestige enhanced and, to some degree, his legitimacy confirmed. After all, would a superpower marshal its forces to confront anything less than a legitimate threat?

Finally in this vein, the tendency to personalize conflict and target foreign leaders invites retaliation of the sort we are for the most part least able to defend against. As an open society with a diffuse leadership, we are vulnerable to terrorist attacks and shouldn't be surprised if weaker nations attempt to fight fire with fire by threatening our own leaders.

Perhaps the most complicated and worrisome aspect of our essentially unilateral decision to make individual leaders fair game in international conflicts for overt coercive measures which stop short of assassination is that resorting to such a policy may undermine our ability to exercise leadership in the world community. The leaders of the world's many new democracies and newly independent states will inevitably view actions such as the attack on Libya and the invasion of Panama with profound suspicion. They will likely see superpower bullying where we see judiciousness and careful discrimination in the application of military force. Others, including some of our oldest and most established allies, will view what happened in Somalia as new evidence of the U.S. preference for the quick fix and they will see in the hasty announcement of our intended withdrawal proof that we are not interested in doing the messy, long term work that comes with international preeminence. It is worth remembering that, however much U.N. officials may have been responsible for UN Resolution 837, which authorized pursuit of those responsible for the attacks on the UN troops in Somalia, most of the world saw Somalia as a U.S. operation from start to finish.

All of this effectively leads me to the conclusion that, despite our evident success, there are great hazards in the course we have recently traveled. Had we killed Qaddafi in 1986 - which we apparently would not have regretted- it is difficult to imagine that that would not have made things worse in the Middle East. Similarly, if we had failed to capture Noriega, it seems certain Just Cause would have been remembered as, at best, a partial success. Finally, it seems to me that having personalized our conflict with Saddam Hussein, his continuing presence at the head of the Iraqi government stands for much of the world as an emblem of the limitations of U.S. power. By demonizing Saddam and then failing to remove him, we depreciated the value of the legitimate military victory won by the international coalition.

My own final note on this issue is to admit that, having already suggested that targeting leadership is dangerous and unwise, the dismal shape of much of the Third World cries out for new thinking on how to respond proportionately to challenges and threats to international law and American national interests. It is surely not *just* to punish the disenfranchised for the transgressions of their leaders, yet that is precisely what we do when we impose economic sanctions on a country like Haiti. On the other hand, our partners in the region do not seem willing to resort to military force to remove the military leaders now running the country. Moreover, the American public does not appear to be willing to take on stewardship of that impoverished polity. So, what should we do? It is, after all, likely that there are more Somalias and Haitis in our future. Solving that conundrum is, it seems to me, going to be a key to the effective exercise of both diplomatic and military leadership in the years to come.